

REMARKS/ARGUMENTS

Applicants would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action.

Claims 1-10 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,900,564 to Kurakake in view of Hsu et al. (6,587,684). For the following reasons, the rejection is respectfully traversed.

Regarding claim 1, neither Kurakake nor Hsu teaches or suggests a downloading means which downloads an application software corresponding to a music data format defined in connection with music data selected by a user, as required. Kurakake discloses that a terminal apparatus downloads a new version of software including music data and various application programs to treat the music data from a host computer (column 4, lines 17-30). However, there is no teaching or suggestion in Kurakake that the new version of the software is downloaded *because it corresponds* to a music data format of music data selected by a user, as in claim 1. Hsu does not disclose downloading application software or music data. Put another way, the new application software and music data of Kurakake is not selected based on the format of music selected by the user. Although the music data accompanies the application programs, no user selection of music data and/or automatic selection of corresponding application software is taught or suggested. Thus, even if Kurakake and Hsu were combined, every limitation of the claims would not be taught. Therefore, claim 1 and its dependent claims 2-10 are patentable over the prior art of record.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the

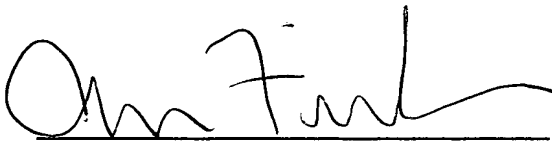
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Reply to Office Action of August 21, 2003

application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32892.

Respectfully submitted,

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